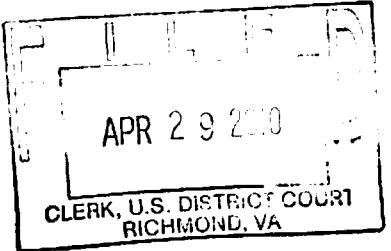


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

DONALD EDWARD VIA,



Plaintiff,

v.

Civil Action No. 3:09CV311

JOHN HARLER, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on May 20, 2009, the Court conditionally docketed Plaintiff's action. The Memorandum Order, warned Plaintiff that he must immediately advise the Court of his new address in the event that he relocates while the action is pending. On March 15, 2010, the Memorandum Order entered on March 1, 2010, was returned to the Court by the United States Postal Service marked, "RETURN TO SENDER ATTEMPTED - NOT KNOWN" and "NOT AT THIS ADDRESS." Plaintiff's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. See Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Plaintiff.

It is so ORDERED.

/s/

*REP*

Robert E. Payne  
Senior United States District Judge

Date: April 28, 2010  
Richmond, Virginia